



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Group Art Unit: 3626**

**Examiner:** Natalie A. Pass

**DECLARATION OF CLINTON B.  
ASHFORD TO OVERCOME CITED  
PATENT OR PUBLICATION UNDER  
37 C.F.R. § 1.132**

**37 C.F.R. § 1.132**

For: METHOD AND APPARATUS FOR)  
PROVIDING INCENTIVES TO )  
PHYSICIANS )

## CERTIFICATE OF MAILING

I hereby certify that the correspondence enclosed herein is being deposited as first class mail with the United States Postal Service on this date March 20, 2007, in an envelope addressed to:  
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

**Dated: March 21, 2007 By:**

Geoffrey Staniford

**Sir:**

**I, Clinton B. Ashford, hereby declare as follows:**

1. Jay Sultan and I are the inventors of the invention described and claimed in U.S.

**Patent Application 09/648,582.**

2. The declaration made herein is to establish that the reference entitled “Celadon Health Signs With Symmetry; Physician Incentive System Will Use Episode Treatment Groups,” PR Newswire, June 2000 (hereinafter “Celadon Press Release”), cited in the Office Action

dated 09/21/2006 for U.S. Patent Application 09/648,582, is not operable as a prior art reference.

3. U.S. Patent Application 09/648,582 was initially assigned by myself and Jay Sultan to Celadon Health, Inc., on 02/12/2001 and is recorded at Reel/Frame: 011515/0234.

4. The Celadon Press Release describes an agreement between Symmetry Health Data Systems, Inc. and Celadon Health, Inc. for the provision of software products in health care industry applications.

5. I was the Chief Executive Officer and President of Celadon Health, Inc. from July 1, 1998 to December 2003. Jay Sultan was employed by Celadon Health in the position of Chief Informatics Officer from July 1998 to December 2003\_.

6. The Celadon Press Release states that "Celadon works in cooperation with payors and third party administrators to introduce targeted, real-time, and proportionate incentive payments to physicians." At least this portion of the Celadon Press Release describes the work of myself and Jay Sultan.

7. I further declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true and that; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing therefrom.

Dated: March 20, 2007

By: Clinton B. Ashford  
Clinton B. Ashford



Attorney Docket No. MDLN.P001

Patent

**Certificate of Transmission/Mailing**

*Certification Under 37 C.F.R. §1.8a (if applicable)*

**March 21, 2007**

Date of Deposit

I hereby certify that this application, and any other documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and addressed to the Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA. 22313-1450

**Geoffrey T. Staniford**

(Print Name of Person Mailing Application)

(Signature of Person Mailing Application)

Serial/Patent No.: 09/648,582 Filing/Issue Date: August 25, 2000 Client: MedAlign  
Title: Method and Apparatus for Providing Incentives to Physicians

Atty. Docket No.: MDLN.P001 Date Mailed: March 21, 2007

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Amendment/Response (12 pgs.)  | <input checked="" type="checkbox"/> Petition for Extension of Time ( 3 months )             |
| <input type="checkbox"/> Preliminary Amendment ( pgs.)  | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A                      |
| <input type="checkbox"/> Application - Utility ( pgs.)  | <input type="checkbox"/> Issue Fee Transmittal  |
| <input type="checkbox"/> Application - Rule 1.53(b) Contin. ( pgs.)   | <input type="checkbox"/> Submission of Preliminary Amendment                                |
| <input type="checkbox"/> Application - Rule 1.53(b) Divis. ( pgs.)  | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP ( pgs.)   | <input type="checkbox"/> Appeal Brief ( pgs. in triplicate)                                 |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA ( pgs.)   | <input type="checkbox"/> Reply Brief  |
| <input type="checkbox"/> Application - PCT ( pgs.)  | <input type="checkbox"/> Response to Notice of Missing Parts                                |
| <input type="checkbox"/> Application - Provisional ( pgs.)  | <input type="checkbox"/> Utility Patent Application Transmittal                             |
| <input type="checkbox"/> Drawings ( Replacement, sheets)  | <input type="checkbox"/> Fee Transmittal  |
| <input type="checkbox"/> Declaration & POA ( pgs.)  | <input checked="" type="checkbox"/> Itemized Postcard                                       |
| <input type="checkbox"/> Assignment & Cover Sheet ( pgs.)   | <input checked="" type="checkbox"/> First Class Mail Certificate Of Mailing                 |
| <input type="checkbox"/> Power of Attorney  | <input checked="" type="checkbox"/> Transmittal Form  |
| <input type="checkbox"/> Nonpublication Request (35 USC 122(b))   | <input checked="" type="checkbox"/> Authorization to Charge Credit Card Amt <u>\$905.00</u> |
| <input checked="" type="checkbox"/> Other <u>Request for Continued Examination (RCE) Transmittal (in Duplicate), Declaration Under 37 CFR 1.132</u> |   |